

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

*In re: Robert A. Clarin
and Donna J. Clarin,*

Chapter 7
Bky. No. 04-40456

Debtor(s).

**NOTICE OF HEARING AND MOTION
OBJECTING TO CLAIM OF CREDITOR
(CLAIM NO. 10)**

TO: Entities specified in Local Rule 3007-1.

1. Terri A. Georgen-Running, trustee (the "Trustee") of the bankruptcy estate of the above-named Debtor(s) moves the Court for the relief requested below and gives notice of hearing.

2. A hearing will be held on this motion by the Honorable Nancy C. Dreher, Courtroom No. 7 West, 7th Floor - United States Courthouse, 300 S. Fourth Street, Minneapolis, Minnesota on **November 3, 2004 at 10:30 a.m.**, or as soon thereafter as counsel may be heard.

3. Any response to this motion must be filed and delivered not later than October 27, 2004, which is seven (7) days before the hearing date, including intermediate Saturdays, Sundays and legal holidays, or filed and served by mail not later than October 22, 2004, which is ten (10) days before the hearing date, including intermediate Saturdays, Sundays and legal holidays. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, FED. R. BANKR. P. 5005 and Local Rule 1070-1. This is a core proceeding. The petition commencing this Chapter 7 case was filed on February 2, 2004 and is now pending before this court.

5. This motion arises under 11 U.S.C. §§502 and 704, FED. R. BANKR. P. 3002 and 3007 and Local Rule 3007-1. This motion is filed under FED. R. BANKR. P. 9014 and 9014 and Local Rule 9013. The Trustee requests relief with respect to Claim No. 10 filed in the Debtor(s)' case.

6. Indianhead Specialty Co Inc ("Claimant") filed a proof of claim on May 24, 2004, asserting an unsecured non-priority claim in the amount of \$422.04 (the "Claim"). The Claim reflects that the basis for the obligation is for money loaned/services provided/goods sold to Aitkin County Pallet, Inc. (a corporation owned by the Debtor(s)). There is no documentation to establish that the Debtors personally guaranteed the Claim.

7. As a result, the trustee is unable to determine whether the Claim is properly filed in this case.

WHEREFORE, the Trustee respectfully requests that the Court disallow Claim No. 10 and such other relief as may be just and equitable.

Dated: September 29, 2004

GEORGEN-RUNNING LAW FIRM

A Professional Corporation

By: /e/ Terri A. Georgen-Running

Terri A. Georgen-Running (No. 238338)

P.O. Box 16355

St. Paul, MN 55116

(651) 699-6980

(651) 292-1234 *Facsimile*

ATTORNEYS FOR THE TRUSTEE

VERIFICATION. I, Terri A. Georgen-Running, the moving party named in the foregoing notice of hearing and motion declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: September 29, 2004

/s/ Terri A. Georgen-Running
Terri A. Georgen-Running, Trustee

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA (MINNEAPOLIS)

PROOF OF CLAIM

Name of Debtor
ROBERT A CLARIN
DONNA J CLARINCase Number
04-40456**NOTE:** This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. §503.Name of Creditor (The person or other entity to whom the debtor owes money or property):
INDIANHEAD SPECIALTY CO INC

- ☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
- ☐ Check box if you have never received any notices from the bankruptcy court in this case.
- ☐ Check box if the address differs from the address on the envelope sent to you by the court.



04-40456



5706254

Name and Address where notices should be sent:

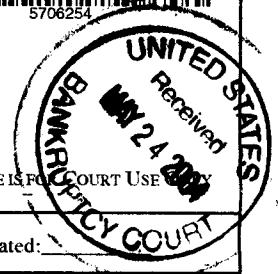
INDIANHEAD SPECIALTY CO INC
PO BOX 37
STONE LAKE WI 54876-0037

Telephone Number:

Account or other number by which creditor identifies debtor:

Check here if ☐ replaces
this claim ☐ amends a previously filed claim, dated: _____

THIS SPACE IS FOR COURT USE ONLY



1. Basis for Claim

- ☒ Goods sold
- ☐ Services performed
- ☐ Money loaned
- ☐ Personal injury/wrongful death
- ☐ Taxes
- ☐ Other _____

- ☐ Retiree benefits as defined in 11 U.S.C. §1114(a)
- ☐ Wages, salaries, and compensation (fill out below)
Last four digits of SS #: _____
- ☐ Unpaid compensation for services performed
from _____ to _____
(date) (date)

2. Date debt was incurred:

02/03

3. If court judgment, date obtained:

Oct 31, 2003

4. Total Amount of Claim at Time Case Filed: \$ 422.04

(unsecured) (secured) (priority) (Total)

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 7 below.

- ☒ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

5. Secured Claim.

- ☐ Check this box if your claim is secured by collateral (including a right of setoff).

Brief Description of Collateral:

- ☐ Real Estate ☐ Motor Vehicle
- ☐ Other _____

Value of Collateral: \$ _____

Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____

6. Unsecured Nonpriority Claim \$ _____

- ☐ Check this box if: a) there is no collateral or lien securing your claim, or b) your claim exceeds the value of the property securing it, or if c) none or only part of your claim is entitled to priority.

7. Unsecured Priority Claim.

- ☐ Check this box if you have an unsecured priority claim

Amount entitled to priority \$ _____

Specify the priority of the claim:

- ☐ Wages, salaries, or commissions (up to \$4,925)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).
- ☐ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4).
- ☐ Up to \$ 2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).
- ☐ Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).
- ☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).
- ☐ Other - Specify applicable paragraph of 11 U.S.C. § 507(a)().

*Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

8. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

9. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

10. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

Send claims to:

U.S. Bankruptcy Court
301 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Date

5/21/04

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):

W. P. Tulchin - William Melcher - President

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

For CHAPTER 7, 11 or 12 CASES filed on or after April 1, 2004



Serving You Better - Since 1952

Telephone

Fax

715-865-2311 • 800-826-6711 715-865-2744 • 800-777-7195

E-Mail: stampit1@cheqnet.net

Website: www.indianheadinc.com

16856W Sand Lake Rd. • P.O. Box 37

Stone Lake, WI 54876-0037

Principal Amount 340.79

26.25 Finance Charge

55.00 Court Cost

422.04 At time of Filing

additional costs since judgment

30.00 docket Fee

5.00 Financial disclosure

44.05 Finance charge

501.09

Total

5/21

STATE OF MINNESOTA
COUNTY OF AITKIN

NINTH JUDICIAL DISTRICT
AITKIN, MINNESOTA 56431

Re: INDIANHEAD SPECIALTY CO INC
vs. AITKIN COUNTY PALLET INC
Case Number: 01-C4-03-000962

INDIANHEAD SPECIALTY CO INC
PO BOX 37
STONE LAKE WI 54876

NOTICE OF DOCKETING OF JUDGMENT

You are hereby notified that a Judgment was entered on October 31, 2003
in favor of INDIANHEAD SPECIALTY CO INC

and against AITKIN COUNTY PALLET INC

and was duly docketed on December 10, 2003 at 11:21 a.m. in the amount
of \$422.04. Costs and interest will accrue on this amount from
the date of entry until the Judgment is satisfied in full.

A true and correct copy of this notice has been served by mail upon the
parties named herein at the last known address of each, pursuant to the
Minnesota Rules of Civil Procedure.

Bonnie LeCocq, Court Administrator

Dated: December 10, 2003

By *Jamie Libon*
Deputy

State of Minnesota

Conciliation Court

County

Aitkin County

Judicial District

Case No.

STATEMENT OF CLAIM AND SUMMONS

Plaintiff #1

Name Indianhead Specialty Co Inc

Address PO Box 37

City/State/Zip Stone Lake WI 54876

VS.

Defendant #1

Name Aitkin County Pallet Inc

Address 16809 260th Ave

City/State/Zip McGrath MN 56350

Plaintiff #2

Name

Address

City/State/Zip

Defendant #2

Name

Address

City/State/Zip

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PLAINTIFF'S STATEMENT OF CLAIM

- ☒ 1. The Defendant(s) owe(s) me \$ 367.04, plus filing fees and costs of \$ 55.00, for a total of \$ 422.04 because (state what happened and when it happened):

In February we delivered office supplies to Aitkin County Pallet. After many calls + repeated attempts to collect payment, nothing has been paid toward these 2 invoices. Their Totals plus Finance charges are due in full.

- ☐ 2. The Defendant(s) has/have the following property that belongs to me (list property), _____ valued at \$ _____, plus filing fees and costs of \$ _____, for a total of \$ _____.

I want the Court to order this property returned to me or make the Defendant(s) pay me money for the value of the property.

3. I believe the person(s) I am suing is/are at least 18 years old and not in the military service.
4. I understand that if I do not come to court on my hearing date, my case will be dismissed and I may have to pay money to the Defendant(s) on any counterclaim that has been filed.

NOTARY STAMP OR COURT SEAL

SWORN TO BEFORE ME ON:

Date:

9-30-03

Signature:

Jelena Anderson

THE ABOVE STATEMENT OF CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

Signature:

William F. Melcher

Name:

Title (if representative):

Telephone:

PRESIDENT
715-465-2317

DO NOT WRITE BELOW THIS LINE

SUMMONS: IMPORTANT NOTICE TO THE PARTIES

You **must** come to court for a hearing on _____ at _____ .m. at _____
Date Time

Location/Address

If you do not come to court for this hearing, you may lose the case and have to pay money to the other party.

Dated: _____ Court Administrator/Deputy _____

Case No.



INDIANHEAD SPECIALTY CO., INC.

P.O. Box 37 • Stone Lake, WI 54876-0037
Phone: 800-826-6711 • Fax: 800-777-7195
stampit1@cheqnet.net

INVOICE

Original

DATE	NUMBER	PG
01/19/04	239785	1

S
O
L
D

2504000
AITKIN COUNTY PALLET INC
16809 260TH AVE
MCGARTH MN 56350

S
H
I
P

320-684-2761

AITKIN COUNTY PALLET INC
16809 260TH AVE
MCGARTH MN 56350

ORDER NUMBER	ORDER DATE	CUSTOMER NUMBER	SLSMN CODE	PURCHASE ORDER NUMBER	SHIP VIA	SHIP DATE	TERMS
0239785	01/19/04	2504000	46 VG		US Mail	01/19/04	Net 30 Days

QUANTITY ORDERED	QUANTITY TO SHIP	QUANTITY B.O.	ITEM NUMBER	ITEM DESCRIPTION	UNIT PRICE	EXTENDED PRICE
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1 EA	1		Special	FEE FOR FINANCIAL DISCLOSURE	5.00	5.00
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Original

AMOUNT OF SALE	5.00
MISC. CHARGES	.00
SALES TAX	.00
FREIGHT	.00
TOTAL	5.00

Terms: Net 30 Days. All Invoices Over 30 Days Are Subject To A
Finance Charge of 1.5% Per Month (Annual Percentage Rate of 18%)



INDIANHEAD SPECIALTY CO., INC.

P.O. Box 37 • Stone Lake, WI 54876-0037
Phone: 800-826-6711 • Fax: 800-777-7195
stampit1@cheqnet.net

INVOICE

Original

DATE	NUMBER	PG
01/13/04	239160	1

SOLD
2504000
AITKIN COUNTY PALLET INC
16809 260TH AVE
MCGARTH MN 56350

SHIP
320-684-2761
AITKIN COUNTY PALLET INC
16809 260TH AVE
MCGARTH MN 56350

ORDER NUMBER	ORDER DATE	CUSTOMER NUMBER	SLSMN CODE	PURCHASE ORDER NUMBER	SHIP VIA	SHIP DATE	TERMS
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0239160 01/13/04 2504000 46 US Mail 01/13/04 Net 30 Days

QUANTITY ORDERED	QUANTITY TO SHIP	QUANTITY B.O.	ITEM NUMBER	ITEM DESCRIPTION	UNIT PRICE	EXTENDED PRICE
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1 ea	1		Special	court cost and docket fee	85.00	85.00
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\$30 after judgment

C403962

Original

AMOUNT OF SALE	85.00
MISC. CHARGES	.00
SALES TAX	.00
FREIGHT	.00
TOTAL	85.00

Terms: Net 30 Days. All Invoices Over 30 Days Are Subject To A
Finance Charge of 1.5% Per Month (Annual Percentage Rate of 18%)

AROI80

A/R Open Invoice Listing

Run Date: 05/21/2004

12:03 PM

Invoice Range: All

Sys Date: 05/21/2004

=====

2504000 - AITKIN COUNTY PALLET INC

Phone: 320-684-2761

16809 260TH AVE

Fax: 000-000-0000

MCGARTH

MN 56350

Invoice	Inv Date	Due Date	PO Number	Pmt Ref & Date	Inv Amount	Pt Cur Pd	Pt Nxt Pd	Balance	Running Balance
0207836	02/13/2003	03/15/2003	DEB	/ /	281.59	.00	.00	281.59	281.59
0209059	02/25/2003	03/27/2003		/ /	59.20	.00	.00	59.20	340.79
9200303FC03/31/2003	/ /			/ /	5.11	.00	.00	5.11	345.90
9200304FC04/30/2003	/ /			/ /	5.11	.00	.00	5.11	351.01
9200306FC06/30/2003	/ /			/ /	5.27	.00	.00	5.27	356.28
9200307FC07/31/2003	/ /			/ /	5.34	.00	.00	5.34	361.62
9200309FC09/30/2003	/ /			/ /	5.42	.00	.00	5.42	367.04
9200310FC10/29/2003	/ /			/ /	5.42	.00	.00	5.42	372.46
9200311FC11/26/2003	/ /			/ /	5.51	.00	.00	5.51	377.97
9200312FC12/30/2003	/ /			/ /	5.67	.00	.00	5.67	383.64
0239160	01/13/2004	02/12/2004		/ /	85.00	.00	.00	85.00	468.64
0239785	01/19/2004	02/18/2004		/ /	5.00	.00	.00	5.00	473.64
9200401FC01/30/2004	/ /			/ /	5.75	.00	.00	5.75	479.39
9200402FC02/26/2004	/ /			/ /	7.10	.00	.00	7.10	486.49
9200403FC03/31/2004	/ /			/ /	7.30	.00	.00	7.30	493.79
9200404FC04/30/2004	/ /			/ /	7.30	.00	.00	7.30	501.09

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

*In re: Robert A. Clarin
and Donna J. Clarin,*

Chapter 7
Bky. No. 04-40456

Debtor(s).

UNSWORN DECLARATION FOR PROOF OF SERVICE

I, Terri A. Georgen, declare that on the date indicated below, I served the following:

(1) Notice of Hearing and Motion Objecting to Claim of Creditor; (2) Unsworn Declaration for Proof of Service; and (3) Proposed Order

upon each of the entities named below, by mail (unless otherwise indicated below) by mailing to each of them a copy thereof by enclosing same in an envelope with first class mail postage prepaid, and depositing same in the post office at St. Paul, Minnesota, addressed to each of them as follows:

UNITED STATES TRUSTEE
1015 U.S. COURTHOUSE
300 SOUTH FORTH STREET
MINNEAPOLIS, MN 55415

INDIANHEAD SPECIALTY CO INC
P.O. BOX 37
STONE LAKE, WI 54876-0037

ROBERT A. CLARIN
DONNA J. CLARIN
31095 BAUGH ST. NW
PRINCETON, MN 55371

ROBERT KALENDA, ESQ.
919 W. ST. GERMAIN, STE 2000
ST. CLOUD, MN 56301

And I declare under penalty of perjury that the foregoing is true and correct.

Date: September 29, 2004

e/ Terri A. Georgen-Running

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

*In re: Robert A. Clarin
and Donna J. Clarin,*

Chapter 7
Bky. No. 04-40456

Debtor(s).

ORDER

At Minneapolis, Minnesota, _____, 2004

The above-entitled matter came before the Court on the Objection to Claim of Creditor filed by the Trustee. Appearances, if any, were as noted upon the record. Based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED:

1. Claim No. 10 is disallowed.

Judge Nancy C. Dreher
UNITED STATES BANKRUPTCY JUDGE